

Interpretation of Basic Eligibility Criteria

A. Physical or Mental Impairment that Constitutes or Results in a Substantial Impediment to Employment Means:

A physical or mental disability that impedes vocational performance by preventing or hindering the individual's efforts to secure, retain, regain, or prepare for employment.

For eligibility purposes, an impediment to employment would mean a limitation imposed by a disability that renders vocational success more difficult. The principal consideration is the direct relationship between the disability or disabilities and employability, i.e. the effect a disability has on an individual's employability. The limitations resulting from a disabling condition must be assessed by consideration of a variety of related factors which impact vocational success. Examples of such factors include: inability to perform essential job functions; termination of employment related to the disability; lack of marketable skills; low educational level; community and employer prejudices and attitudes toward disability; poor attitude toward work, etc.

B. Can Benefit from Vocational Rehabilitation Services in Terms of an Employment Outcome Means:

There is a likelihood that through Vocational Rehabilitation services the client will be able to enter or retain employment consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

An individual is presumed to be able to benefit in terms of an employment outcome from Vocational Rehabilitation services, unless the Agency can demonstrate by clear and convincing evidence that the individual has a disability that is too severe for such benefit. The demonstration that the disability is too severe must be through exploration of the individual's capacity to perform in trial work experiences.

C. Requires Vocational Rehabilitation Services to Prepare for, Secure, Retain, or Regain Employment Means:

Vocational Rehabilitation services are needed to enable the individual to reach an appropriate employment outcome. Services are required if they are necessary to reduce or correct the disability, or if the services will reduce the impediment to employment. Services are also required when it is necessary for the Division to pay for, arrange, coordinate or otherwise enhance the provision of services through comparable benefits or other resources.

Vocational Rehabilitation Services are not required when the needed services are readily available to the individual without the Division's intervention. Additionally, services are not required when the individual can obtain/retain appropriate employment without Vocational Rehabilitation services or in situations where the services are not available from the Division, such as long-term ongoing support services, purchase of a vehicle, extended medical care or other services which are not available within the Division's policies.

Notes:

1. Eligibility decisions must be made within a reasonable period of time, not to exceed 60 days from the date the individual applied for services, unless exceptional and unforeseen circumstances occur that are beyond the Division's control and the individual has agreed to a specific extension of time, or the Agency is exploring the individual's abilities, capabilities, and capacity to work through trial work experiences.
2. An eligibility decision can sometimes be made during the initial interview if the presence of a disability is observed. Examples are loss of or loss of use of extremities, use of a wheelchair, deafness, blindness, severe facial disfigurement, unintelligible speech due to a severe speech impairment, severe mobility problems (such as use of braces or severely abnormal gait), and other comparable readily observable conditions which are obviously stable and result in substantial impediment to employment. Such observations would be sufficient to establish that the first criterion for eligibility is met.

The second eligibility criterion – can benefit from services in terms of an employment outcome – is presumed unless there is clear and convincing evidence to the contrary.

The third eligibility criterion – requires vocational rehabilitation services to prepare for, secure, retain, or regain employment – is met if available rehabilitation services are needed and the services must be provided, paid for, arranged, coordinated, or otherwise enhanced by the Division.

In some situations, medical reports are not required to determine the presence of a disability which causes an impediment to employment, the expected benefit from services in terms of an employment outcome, and the need for rehabilitation services.

Existing medical information should be obtained, if available, to support the presence of a disability, even if it

is several years old. Current examinations and/or evaluations should be obtained, if indicated after the eligibility determination, to assess the nature and scope of services needed to develop the IPE.

If a medical or psychological report is obtained electronically, the report must be signed electronically by the treating physician or psychologist in order for a medical or psychological report to be used to support the presence of a disability.

- 3 In the eligibility determination process, consideration must be given, as appropriate, to the provision of rehabilitation technology services to develop the capacities of the individual to perform in a work environment.